



ipid

Department:
Independent Police Investigative Directorate
REPUBLIC OF SOUTH AFRICA

Private Bag X941, Pretoria, 0001, 114 Madiba Street, City Forum Building, Pretoria
Tel: (012) 399 0000 Fax: (012) 326 0408

MEMORANDUM

TO : [REDACTED]

FROM : MR AMAR MAHARAJ
ETHICS MANAGER

DATE : 30 SEPTEMBER 2016

SUBJECT : FORMAL ACCEPTANCE OF DISCLOSURE OF [REDACTED] AS A PROTECTED
DISCLOSURE IN TERMS OF THE PROTECTED DISCLOSURES ACT 26 OF 2000.

Dear [REDACTED]

1. Further to reports made to the Ethics Office on 14 September 2016 and a sworn affidavit received on 15 September 2016, from [REDACTED] please note that I have accepted [REDACTED] a protected disclosure in terms of the Protected Disclosures Act 26 of 2000.
2. [REDACTED] reports to my office (IPID Ethics Office) on 14 September 2016, relating to hundreds of cases closed without proper investigation by the IPID KZN office [REDACTED] reported the following to me as Ethics Manager at the IPID:-
 - a) "More than 900 cases were closed because we are chasing stats."
 - b) "Special closures are only to occur where there is a duplicate file"
 - c) The [REDACTED] gave instructions for murder, torture and assault cases to be closed.
"We do short cuts and cases are archived".
 - d) "I felt very bad. We are failing the community. Everyone is so frustrated. We are just chasing stats."
 - e) "The [REDACTED] wants us to focus on quick-win cases. There are no quick win cases with cases of murder, assault and torture."

- f) "The [REDACTED] closed a case relating to death as a result of police action, wherein he is the I/O, – as a special closure. This case is alarming".
 - g) "From April 2015, the [REDACTED] commenced with the special closure process. [REDACTED] called it 'killing of files' as [REDACTED] wanted to start the year on a clean slate.
 - h) "Files were closed without the investigation being completed. Other people must not know".
 - i) "The [REDACTED] commenced work in [REDACTED] was closing everything on [REDACTED] table. [REDACTED] does not even read files. If you really read the file you will know that you cannot close it".
 - j) "The mission is to kill files".
3. On the morning of 15 September 2016, I received a sworn affidavit from [REDACTED] which I have attached herein as Annexure A and which was forwarded to you via email. I have attached the email sent to you as Annexure B.
 4. The sworn affidavit highlights a grave impropriety and relates to unlawful and irregular conduct by members of senior management at the IPID. The unlawful and irregular conduct relates to, inter alia, a contravention of the IPID Act, including Section 28, and reveals 'special closure' of cases completed or closed without proper investigations being undertaken or finalized.
 5. As the Ethics Manager at the IPID, I have accepted the disclosure as a protected disclosure in terms of the Protected Disclosures Act, 26 of 2000. The report and sworn affidavit of [REDACTED] show the following with regard to the conduct of the employer:-
 - I. **That a criminal offence has being committed is being committed or has been committed.**
 - II. **That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which that person is subject;**
 - III. **That a miscarriage of justice has occurred is occurring or is likely to occur.**
 6. In accordance with the IPID Whistleblowing Policy and consistent with my official duties and responsibilities as Ethics Manager, I have handed over reports and documents to the Office of the Public Protector and recommended that an official investigation/ external enquiry commence as it is evident to me that the matter cannot be investigated objectively internally. Included in my report to the Public Protector is a list of cases closed as 'special closure' which show that the impropriety is still occurring.
 7. As per my own evaluation, it is apparent that cases closed under 'special closure' include cases relating to:
 - a) Death as a result of police action.
 - b) Discharge of an official firearm.
 - c) Corruption matters within the police.
 - d) Torture and assault.
 - e) Death in Police custody, and
 - f) Rape by a police officer.

8. I have attached herein as Annexure C, a Memo sent to [REDACTED] on 15 September 2016, wherein I formally accepted his disclosure as a protected disclosure in terms of the Protected Disclosure Act 26 of 2000.
9. I further informed [REDACTED] that in terms of terms of Section 3 of the Protected Disclosures Act, 26 of 2000, **'No employee may be subjected to any occupational detriment by his or her employer on account, or partly on account, of having made a protected disclosure.'**

'Occupational detriment', in relation to the working environment of an employee means:-

- (a) being subjected to disciplinary action;
 - (b) being dismissed, suspended, demoted, harassed or intimidated;
 - (c) being transferred against his or her will.
 - (d) being refused transfer or promotion;
 - (e) being subjected to a term or condition of employment or retirement which is altered or kept altered to his or her disadvantage;
 - (f) being refused a reference, or being provided with an adverse reference, from his or her employer;
 - (g) being denied appointment to any employment, profession or office;
 - (h) being threatened with any of the actions referred to in paragraphs (a) to (g) above, or
 - (i) being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities and work security.
10. Consistent with Section 3 of the Protected Disclosures Act, 26 of 2000, I will be writing to all the internal parties concerned to inform them that [REDACTED] **is not to be subjected to any occupational detriment, on account of, or partly on account of having made a protected disclosure to the IPID Ethics Office.** All officials concerned and implicated in this matter are to act in accordance with the provisions of the Protected Disclosures Act and in accordance with the IPID Whistle-blowing policy.



NAME: MR AMAR RABEE MAHARAJ

ETHICS MANAGER

DATE: 30 SEPTEMBER 2016

[REDACTED] STATE UNDER OATH IN ENGLISH.

I am [REDACTED] employed at the Independent Police Investigative Directorate with Persal No. [REDACTED] and holding a rank of the [REDACTED] I wish to state as follows.

There is an irregularities activity that is going in the KZN office where stats is being manipulated at the expense of the poor community.

Members in KZN office are being pushed by the management to bring cases for completion or closure without investigation being finalised. On several meetings where sometimes on recordings the [REDACTED] always emphasise that members should concentrate on the quick wins when investigating cases so that more cases to be finalised.

Most of the cases in KZN office are being completed or closed without investigation being finalised during financial year 2015/2016 and 2016/2017. Members were instructed to bring files for completion as decision ready even technical reports are still outstanding so that stats will look good. As a result over 900 cases were completed and closed under special closure of which the majority of those cases were not supposed to be completed or closed.

[REDACTED] are the ones who are the culprits and approved completion and closure on those cases and push members to do short cuts when conducting investigation.

Amongst other cases that were completed irregular is CCN [REDACTED] which belongs [REDACTED] but according to flow centric [REDACTED] is the one who approved [REDACTED] case for completion which is in contravention with SOPS.

Investigation must be conducted in all completed and closed cases that were approved by the [REDACTED] during the financial year 2015/2016 and 2016/2017.

The manipulation of stats is a serious offence which amount to defeating the ends of justice that needs to be investigated while the community is suffering out there.

This is very sensitive information and Disclosure Protective Act should apply.

I know and understand the content of the above statement.

I have no objection to taking the prescribed oath.

I consider the p [REDACTED]

Deponent's sign [REDACTED]

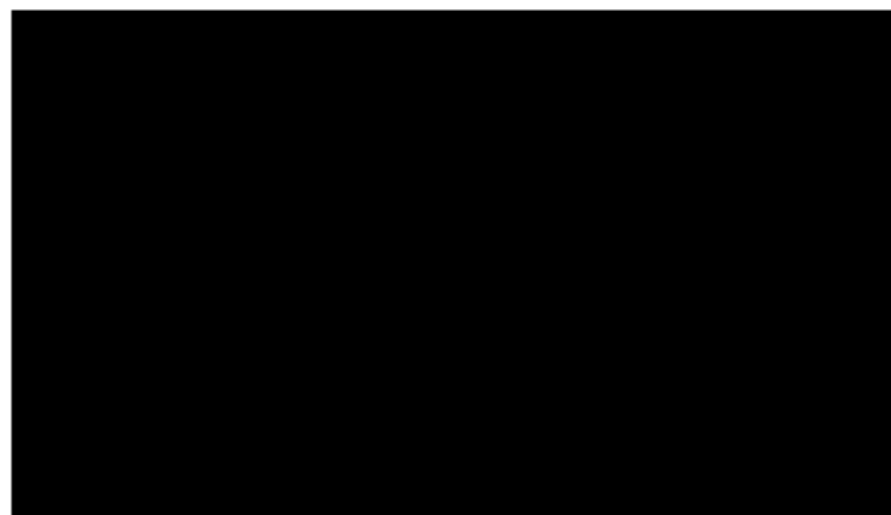
I certify that the deponent has acknowledged that he knows and understand the content of the above statement. Deponent's signature was placed in my presence on 2016-09-15 at [REDACTED] at [REDACTED]

COMMISSIONER OF OATH

NAME AND SURNAME

ADDRESS

RANK







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REPUBLIC OF SOUTH AFRICA

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Tel: (012) 399 0000 Fax: (012) 326 0408

MEMORANDUM

TO : [REDACTED]

FROM : MR AMAR MAHARAJ
ETHICS MANAGER

DATE : 15 SEPTEMBER 2016

SUBJECT : FORMAL ACCEPTANCE OF YOUR DISCLOSURE AS A PROTECTED DISCLOSURE IN
TERMS OF THE PROTECTED DISCLOSURES ACT, 26 OF 2000.

Dear [REDACTED]

Further to your reports made to the Ethics Office yesterday and your sworn affidavit received this morning, please note that I have accepted your disclosures as a protected disclosure in terms of the Protected Disclosures Act, 26 of 2000.

Your reports to my office are consistent with the definition of 'disclosure' as defined within the Protected Disclosures Act, 26 of 2000, and show the following in relation to the conduct of the employer:

- (a) That a criminal offence has been committed, is being committed or has been committed.
- (b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- (c) That a miscarriage of justice has occurred, is occurring or is likely to occur.

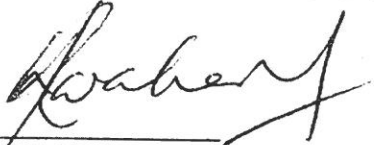
In terms of Section 3 of the Protected Disclosures Act, 26 of 2000, 'No employee may be subjected to any occupational detriment by his or her employer on account, or partly on account, of having made a protected disclosure.

'Occupational detriment', in relation to the working environment of an employee means:-

- (a) being subjected to disciplinary action;
- (b) being dismissed, suspended, demoted, harassed or intimidated;
- (c) being transferred against his or her will.
- (d) being refused transfer or promotion;
- (e) being subjected to a term or condition of employment or retirement which is altered or kept altered to his or her disadvantage;
- (f) being refused a reference, or being provided with an adverse reference, from his or her employer;

- (g) being denied appointment to any employment, profession or office;
- (h) being threatened with any of the actions referred to in paragraphs (a) to (g) above, or
- (i) being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities and work security.

Due to the gravity of the impropriety, and in accordance with the IPID Whistle-blowing policy, I will be recommending that this matter be the subject of an external enquiry at the Office of the Public Protector and be referred to the South African Police for criminal investigation.



NAME: MR AMAR RABEE MAHARAJ

ETHICS MANAGER

DATE: 15 SEPTEMBER 2016